



DOE Contractor Workplace Substance Abuse Programs (Drug Testing)

Public Forum

January 16, 17, 22, and 23, 2008



Secretarial Policy Memorandum



- ◆ Issued on September 14, 2007
- ◆ Testing Designated Positions (TDPs)
 - Will Immediately include anyone with an L or Q clearance
 - Testing rate of 30%



Title 10 CFR 707



- ◆ **Workplace Substance Abuse Programs at DOE Sites**
 - **Published in the Federal Register 7/22/92**
 - **Applies to DOE Contractors**



Title 10 CFR 707 Requirements



- **Written Workplace Substance Abuse Program**
- **Random drug test**
 - **Rate of 30% per year**
- **Administrative procedures**
 - **Implementing program**
- **DOE Approved**



Title 10 CFR 707 Program Implementation



- ◆ **Consistent with HHS mandatory Guidelines**
- ◆ **Supervisor training**
- ◆ **Notify employees of program requirements**
 - **Actions for non compliance**
 - **60 day notification of being in TDP**
 - **Written notice of Drug arrest**
- ◆ **Provisions for termination or assistance**



10 CFR 707 Amendment



- ◆ **Approved by the Secretary (1/14/08)**
 - **Published – Federal Register (1/23/08)**
 - **10 CFR 707 Website**
- ◆ **Random drug test**
 - **Rate equal to 30 percent of the total number of employees in TDPs every year**
 - **Do not combine partial urine samples in a container**



DOE Acquisition Letter 2008-03



- ◆ **Announces the Department's decision to expand the definition of testing designated positions (TDPs) to include all contractor employees with or applying for security clearances and making those contractor employees in TDPs subject to random, applicant and "for cause" drug testing**



DOE Acquisition Letter 2008-03



- ◆ **Envisions a two step implementation program**
 - **Immediate coverage for on-site contractors with Workplace Substance Abuse Programs at DOE Sites coverage**
 - **Deferred coverage for off-site contractors pending completion of a rulemaking to amend the DOE Security Clause**



DOE Acquisition Letter 2008-03



- ◆ **Provides for consultation with on-site contractors pursuant to 10 CFR 707.7(b)(4) through a series of public forums**
- ◆ **Following the public forums, DOE anticipates issuance of additional information to its Contracting Officers regarding resolution of issues raised in the public forums**



DOE Acquisition Letter 2008-03



- ◆ **Some on-site contracts may need a contractual amendment if the clause (48 CFR 970.5223-4) was not already included**



Classification Clause Amendment



- ◆ **A separate rulemaking is in process for off-site contracts**
- ◆ **DEAR 952.204-2, Classification, being amended to make requirements applicable to off-site contracts with employees having security clearances**
- ◆ **Action is in the final stages of review before publication as a Notice of Proposed Rulemaking**
 - **Will be published in the Federal Register for comment**



Futher Informaiton



- **10 CFR 707 Web site:**

<http://www.hss.energy.gov/HealthSafety/WSHP/rule851/rule707.html>

- **FAQ**
- **Presentations**
- **10 CFR 707 Safety Advisory**
- **Documents**



Headquarters Contacts



- ◆ **Office of Health, Safety and Security**
 - **Office of Worker Safety and Health**
Policy: 301-903-6061
 - **Office of Department Personnel**
Security: 202-586-3238

- ◆ **Office of Procurement and Assistance**
Policy : 202-287-1333